

**CITY OF MURFREESBORO
BOARD OF ZONING APPEALS**

Regular Meeting, March 27, 2019, at 1:00 p.m.
City Hall, 111 West Vine Street, Council Chambers, 1st Floor

A G E N D A

1. Call to order
2. Consideration of minutes for the regular meeting on January 30, 2019.
3. New Business

Special Use Permit Requests

- a) **Application Z-19-007 by Providence Christian Academy**, requesting a Special Use Permit to expand an existing institutional group assembly use on property in the Residential Single Family 15 (RS-15) district located at 410 Dejarnette Lane.
4. Staff Reports and Other Business
 5. Adjourn

MURFREESBORO BOARD OF ZONING APPEALS
STAFF REPORT
March 27, 2019

Application: Z-19-007, Providence Christian School

Location: 410 DeJarnette Lane

Applicant: Providence Christian Academy, represented by Matt Taylor, SEC

Zoning: RS-15 (Residential Single Family)

Requests: A special use permit in order to expand an existing institutional group assembly use (a private school). The applicant is seeking approval for the placement of a portable building to be used as classroom/office space for one year



Special Use Permit Request Overview

Providence Christian School, represented by Mr. Matt Taylor. of SEC, Inc., is requesting a Special Use Permit for the expansion of an existing school through the addition of two portable classrooms. The subject property is surrounded on all sides by single family residential zoning and uses. The Board approved expansion of the use September 26, 2018 (Z 2018-047) allowing for an addition of 59,820 square feet, for a school gymnasium and classrooms. The lot is 18.02 acres and will accommodate any additional parking spaces required.

In accordance with Chart 2, of the City Zoning Ordinance, expansion of the approved special use requires a new or amended special use permit from the Board of Zoning Appeals (BZA)

Relevant Zoning Ordinance Section

Chart 2 of the City of Murfreesboro Zoning Ordinance, allows schools as a special use in the RS 15 district. Special provisions are set forth for institutional group assembly in Section 9.

Staff Comments

After reviewing the criteria for the special use requirements for institutional group assembly this project meets the criteria. As such, the applicant's proposal is consistent with institutional group assembly.

If the Special Use Permit is approved, staff recommends the following findings:

- (1) The proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare:**

No adverse impact on the above mentioned list will be associated with this subject property and proposed uses.

- (2) The proposed building or use will be constructed, arranged, and operated so as to be compatible with the immediate vicinity and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations:**

A special use permit has been in place for the use for several years and the facility has operated in such a way as to interfere with the adjacent properties. The small addition should not change that.

- (3) The proposed buildings or use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services:**

The subject property currently exceeds required parking and is served by all public utilities. The potential user will be adequately served by essential facilities as it has in the past.

- (4) The proposed building or use will not result in the destruction, loss, or damage of any feature determined by the BZA to be significant natural, scenic, or historic importance:**

The proposed use will not have a negative impact on any features of significant natural, scenic, or historic importance.

- (5) The proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use:**

Special provisions for group assembly primarily focus on parking and lighting to ensure these do not adversely affect surrounding property. Neither of these will be altered due to the addition of the portables. Those provisions are included as an attachment at the end of this report. (see Attachment D)

Recommended Conditions of Approval:

- 1) Approval of the temporary portable structure shall be valid for 18 months. Applicant shall remove portables and restore area parking and any disrupted landscape. Applicant is asking for an 12 month use permit, but in order to allow for unforeseen delays in construction staff is recommending approval for a total of 18 months. The commission may wish to impose a limit of portable use on the property over a longer continuum of time such as portables may be used for a total of 18 months over the next 5 years. This type stipulation would prevent the use of portables as an ongoing exception the Board is asked to approve on an annual basis.

Attached Exhibits

- A. Site aerial and photos
- B. Letter of explanation from applicant
- C. City of Murfreesboro, Section 9, D, 2, zz
- D. Site Plan

Attachment A





Attachment B

Section 8 – Procedure for Uses Requiring Special Permits

(A) Name, address, and telephone number of the applicant

SEC, Inc on behalf of Providence Christian
Academy c/o Matt Taylor

850 Middle TN Blvd
Murfreesboro, TN 37129

(B) Nature and extent of applicant's ownership interest in subject property Providence Christian Academy currently owns the property. If the special use permit is granted, the applicants intend to add two (2) temporary portables for classrooms and/or offices

while the construction of the gym and additional parking is completed.

(C) Site plan to be submitted for review by City Staff and the Board of Zoning Appeals

A concept plan has been submitted with this application for review.

(D) Address of the site of the proposed special use

South of DeJarnette

Lane 410 DeJarnette

Lane

Murfreesboro, TN 37130

(E) Vicinity Map showing the property of the proposed special use and all parcels within a five-hundred foot radius

A vicinity map has been submitted with this application for review.

(F) Zoning Classification of property of the proposed special use

The property is currently zoned RS-15 and previously been granted a special use permit for a private school.

(G) The property of the proposed special use shall have the following characteristics:

1.) Hours and days of operation

Monday thru Friday from 7:00 AM – 5:00 PM is the main concentration of activity.

2.) Duration of the proposed special use

Temporary for a 12 months duration

3.) Number of expected patrons that will be expected to utilize the property of the proposed special use

The portables will be large enough to handle up to 50 total people

4.) Projected traffic that will be expected to be generated by the proposed special use

No additional traffic due to the portables is anticipated.

Traffic generation projections are attached with this submittal. Currently at peak times, the peak traffic entering the facility is approximately 265 vehicles per hour. After the school reaches its maximum student body size, the peak traffic entering the facility is projected to be 490 vehicles per hour. The

parking lot is currently has approximately 180 parking spaces. After all the phases are completed, the site is projected to have approximately 674 spaces.

(H) Potentially harmful characteristics of the proposed special use for the zoning district in which it is proposed and the manner in which the applicant proposes to eliminate or minimize them

No new permanent lighting, landscaping, or trash enclosures are anticipated with the portables. The only lighting proposed will be attached to the temporary portables as required by codes

Section 9 – Standards for Special Permit Uses

(C) Standards of general applicability. An applicant for a special use permit shall present evidence at the public hearing on such special permit, which evidence must establish:

- 1) that the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare.***

The proposed temporary portables should not have any substantial or undue adverse effect upon adjacent property or neighborhood. All existing landscaping will remain in place to act as the same buffer which exists today. The temporary portables are located toward the rear of the site away from DeJarnette Lane. The location of the temporary portables still provides adequate parking spaces and vehicular circulation around the site while maintaining safe pedestrian ways for the students. No new water or sewer connections will be required for the temporary portables.

- 2) that the proposed building or use will be constructed, arranged, and operated so as to be compatible with the immediate vicinity and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations**

All existing landscaping will remain in place to act as the same buffer which exists today. The temporary portables are located toward the rear of the site away from DeJarnette Lane. The location of the temporary portables still provides adequate parking spaces and vehicular circulation around the site while maintaining safe pedestrian ways for the students.

3) that the proposed building or use will be served adequately by the essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water, and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services

The subjected property is located along public street DeJarnette Lane which has previously been widened to 5 lanes from Memorial Blvd to Lascassas Highway.

All of the parking needs for the buildings are contained on the site itself and will not have any connectivity with the surrounding residential neighborhoods. The provided parking still exceeds the required parking with these portables in place.

The drainage for the site will be directed toward the northwest to the existing pond on-site.

Solid waste disposal will be handled via the existing dumpster.

Fire protection and domestic water feeds are existing and provided by a connection to the existing loop and will remain for the temporary portables.

4) that the proposed building or use will not result in the destruction, loss, or damage of any feature determined by the BZA to be of significant natural, scenic, or historic importance

No existing trees will be removed due to the portables. The existing pond is located on the western side of the property is projected to remain and continue to operate as it currently does and be modified to accept runoff from this project. No other structures or features are known to be of significant importance to remain at this time, however if the BZA identifies any such features the applicant will work to preserve those as well.

5) that the proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use (zz)

(zz) Institutional p assembly uses, including recreational fields, public buildings, public or private schools grades K-12, lodges, country clubs, churches, and other places of worship, shall be subject to the following additional standards

1.) *Parking areas shall be designed and arranged so that backing from*

*th
e site onto a public right-of-way will not be necessary and adequate space will be available for vehicles to turn around on site. An onsite off-street area shall be provided for vehicles to load and unload passengers. Parking areas shall not be permitted in the required front yard.*

As represented on the site plan, all parking has been removed from the required front yard and no parking is proposed to back onto the public street. No new parking or passenger loading & unloading zone is proposed with the temporary portables.

2.) In all residential districts, an institutional use group assembly use shall have a lot size not less than three times the minimum lot size permitted in the zoning district where the institutional group assembly is proposed to be located

The minimum lot size of the RS-15 zone requires a minimum of 15,000 s.f. lots thus the minimum size is 45,000 s.f. or 1.033 acres. The proposed site is approximately 18 acres in size which is 17.4 times larger than the required minimum.

3.) Onsite lighting for parking areas, fields for athletics, scoreboards and grounds shall be arranged in such a manner as to minimize intrusion of the lighting into areas zoned or used for residential or medical purposes

No new permanent lighting is proposed with the portables. The only lighting proposed will be attached to the temporary portables as required by codes

4.) Applications for an institutional group assembly use shall indicate the proposed locations of garbage dumpsters or receptacles. These facilities shall be located in such a manner as to minimize the adverse effects upon neighboring properties and aesthetics from the public right-of-way.

Solid waste disposal will be handled via a dumpster located on the southern portion of the property. The dumpster will be sited on a concrete pad and enclosed with a masonry enclosure and screened with landscaping. The location and the screening features will aid in minimizing any effects on neighboring properties or the public right-of-ways.

5.) Areas for outdoor recreational use or outdoor group activities shall be screened or fenced in such a manner as to provide an effective buffer for adjacent uses

The existing recreational areas are proposed to be used on a limited basis and the existing vegetation along property lines will remain to be used as buffers.

6.) The number of required parking spaces provided onsite shall be in accordance with Chart 4 of this article

The total projected parking spaces while the temporary portables are in place is shown as 156 which exceeds the ordinance requirements by 48 spaces.

7.) An application for a special use permit for an institutional group assembly shall be accompanied by a description of uses or activities proposed for the facility which may be subject to separate regulation or which may result in unusual traffic patterns, traffic volumes, or other detrimental impacts upon adjacent properties, including but not necessarily limited to those uses which would require a special permit if not a part of the institutional group assembly use;

No change in school activities is associated with the use of the temporary portables.

8.) The BZA shall have the authority to approve an onsite location with water, sewer, and electric utility connections for accommodations for travel trailers or recreational vehicles (RV's)

No such uses are being requested at this time.

9.) The BZA shall have the authority to grant variances to the standards imposed by this subsection for temporary or short term uses of the property for the institutional group assembly use purposes

No temporary or short term uses beyond the use of the temporary portables are proposed at this time, therefore the applicant is not requesting any variances associated with such uses.

10.) The application for special use permit for an institutional group assembly use shall indicate an intentions for the use of systems for external broadcast of speech, music, or other sounds

The applicant does not intend to have a speaker attached to the building.

Attachment C

City of Murfreesboro Zoning Ordinance, Section 9, D, 2, zz

Institutional group assembly uses, including recreational fields, public buildings, public or private schools grades K-12, lodges, country clubs, clubs, churches, and other places of worship, shall be subject to the following additional standards:

[1] Parking areas shall be designed and arranged so that backing from the site onto a public right-of-way will not be necessary and adequate space will be available for vehicles to turn around on-site. An on-site off-street area shall be provided for vehicles to load and unload passengers. Parking areas shall not be permitted in the required front yard;

[2] In all residential districts an institutional group assembly use shall have a lot size not less than three times the minimum lot size permitted in the zoning district where the institutional group assembly use is proposed to be located. In the event the institutional group assembly use is proposed to be located on land that has two or more different zoning classifications, the minimum lot size shall be calculated by applying the larger required minimum lot size;

Examples: MINIMUM MINIMUM ZONING LOT SIZE LOT SIZE DISTRICT (SQ. FT.) ACRES X 3 ACRES
RS-15 15,000 .34 45,000 1.03 RS-12 12,000 .28 36,000 .83 RS-10 10,000 .22 30,000 .69 RS-8 8,000
.18 24,000 .55 RS-4 4,000 .09 12,000 .28 R-D 8,000 .18 24,000 .55 R-MO 4,000 .09 12,000 .28;

[3] On-site lighting for parking areas, fields for athletics, scoreboards, and grounds shall be arranged in such a manner as to minimize intrusion of lighting into areas zoned or used for residential or medical purposes. To this end, a plan depicting the proposed location of on-site exterior lighting fixtures shall be submitted for review by staff and the BZA. Such plan shall depict the arrangement of the lighting fixtures, their height, their specifications, and the direction in which lighting will be oriented. Additional information may be required by the staff or the BZA in order to verify whether the lighting will be intrusive into areas zoned or used for residential or medical purposes;

[4] Applications for an institutional group assembly use shall indicate the proposed locations of garbage dumpsters or receptacles. These facilities UPDATED: DECEMBER 6, 2018 APP A:66 APPENDIX A - ZONING shall be located in such a manner as to minimize adverse affects upon neighboring properties and aesthetics from the public right-of-way. The use of dumpsters may be prohibited in the event the BZA determines that such would have a detrimental effect upon the adjacent property;

[5] Areas for outdoor recreational use or outdoor group activities shall be screened or fenced in such a manner as to provide an effective buffer for adjacent uses. Screening shall be required pursuant to Section 27 of this article or as required by the BZA;

[6] The number of required parking spaces provided on-site shall be in accordance with Chart 4 of this article provided, however, if the applicant can present evidence satisfactory to the BZA that a substantial portion of the expected users will arrive at the institutional group assembly use by bus, bicycle, walking, or by car pooling or that off-street parking areas on adjacent or nearby properties will be available on a long term basis, the BZA shall have authority to determine the number of required parking spaces to be provided on-site. The BZA may require that a reserve area be retained on-site for future expansions of the parking area;

[7] an application for a special use permit for an institutional group assembly use shall be accompanied by a description of uses or activities proposed for the facility which may be subject to separate regulation

or which may result in unusual traffic patterns, traffic volumes, or other detrimental impacts upon adjacent properties, including but not necessarily limited to those uses which would require a special permit if not a part of the institutional group assembly use;

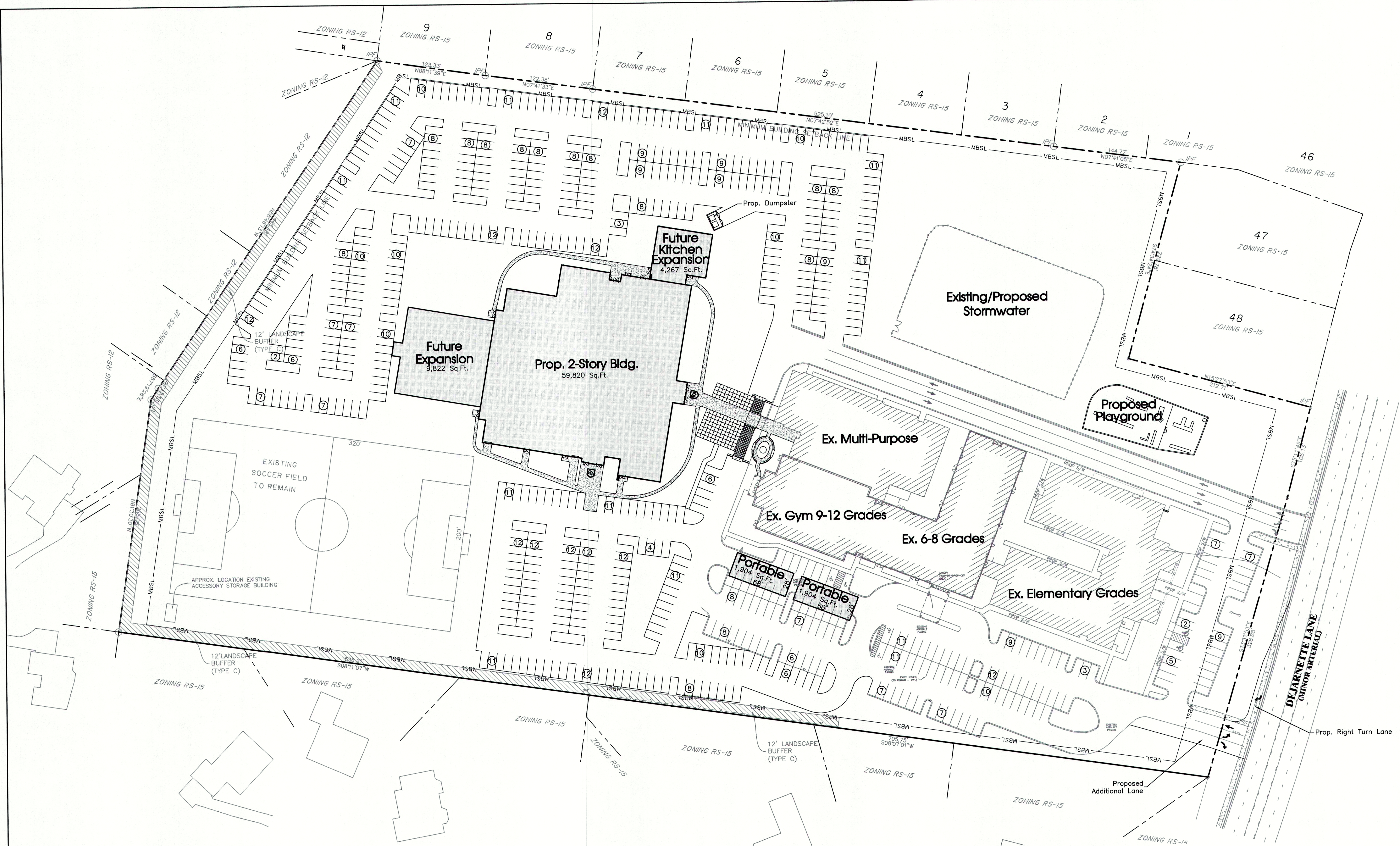
[8] the BZA shall have authority to approve an on-site location with water, sewer, and electric utility connections for accommodations for travel trailers or R.V.s (recreational vehicles) for use by visiting or traveling speakers or guests associated with the institutional group assembly use. Provided, however, such location for travel trailers or R.V.s shall not be permitted for use as a permanent residential dwelling unit;

[9] the BZA shall have the authority to grant variances to the standards imposed by this subsection for temporary or short term uses of property for the institutional group assembly use purposes. In such cases, the BZA may impose conditions of approval to assure the compatibility of the short-term land use with other property in the vicinity of the proposed use; and

[10] the application for a special use permit for an institutional group assembly use shall indicate any intentions for the use of systems for the external broadcast of speech, music, or other sounds. If such are proposed, the applicant shall indicate the times of day and duration of their proposed use. The BZA shall have the authority to place restrictions upon their use in order to minimize excessive noise from intruding upon neighboring properties especially those zoned or used for residential purposes. In no event shall the BZA approve the use of such which would be in violation of the City Code or ordinances regulating noise. BZA approval does not constitute a waiver of any City Code or ordinances regulating noise.

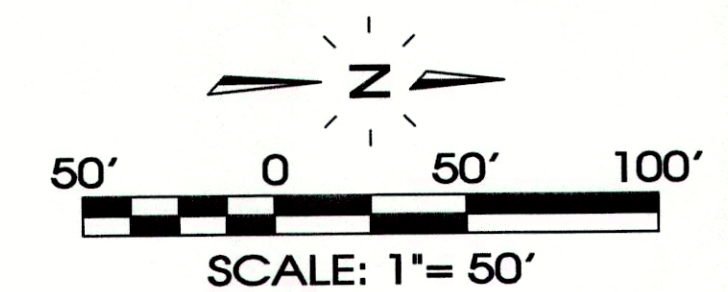
Attachment D

Site Plan



Parking Count:
 Existing Site: 174 Reg. + 6 H.C. = 180 Spaces (108 Spaces Required)
 With Portables: 152 Regular + 4 H.C. = 156 Total Spaces With Portables Present

Proposed Master Plan:
 517 Proposed + 151 Existing + 6 H.C. = 674 Spaces



SITE ENGINEERING CONSULTANTS

SEC, Inc.

ENGINEERING • SURVEYING • LAND PLANNING
 LANDSCAPE ARCHITECTURE

850 MIDDLE TENNESSEE BOULEVARD
 MURFREESBORO, TENNESSEE 37129

PHONE: (615) 890-7901 E-MAIL: MTAYLOR@SEC-CIVIL.COM FAX: (615) 895-2567

NO PORTION OF THIS DRAWING MAY BE REPRODUCED WITHOUT THE EXPRESSED WRITTEN CONSENT OF SEC, INC.

THESE PLANS AND SPECIFICATIONS ARE PREPARED BY THE ENGINEER AND ARCHITECT FOR THE PROJECT AND ARE NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF SEC, INC.

THE ENGINEER ASSUMES NO ADMINISTRATIVE LIABILITY OR RESPONSIBILITY IN THE ASSURANCE THAT THE SITE IS CONSTRUCTED IN ACCORDANCE WITH THE CONSTRUCTION PLANS.

PROVIDENCE CHRISTIAN ACADEMY

BZA VARIANCE

MURFREESBORO, TENNESSEE

CONCEPT MASTER PLAN

REVISION SET

4 of 4